

Westerfield Strategic, LLC

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February 26, 2015

Hon. David Cadle, Mayor

Hon. Betsy Roy, City Clerk

Hon. Shannon Hayes, President

Hon. Joe Blocker, Councilman

Hon. Mickey Rytman, Councilman

Hon. Tom Gordon, Councilman

Hon. Robyn Helt, Councilwomen

The City of Crestview

Ref: Public Records Review Request

Dear Clerk Roy:

As you may be aware, over the last few days a candidate and elected member of the city council inappropriately chose to affix the official seal of the City of Crestview to his campaign flyers that were published and distributed to the public. The document was created in an attempt to lend some real or perceived endorsement of the city council or the city government to the political information attached thereto. Numerous members of the public have asked the question, why was this campaign advertisement designed as to appear to be an official report from the city. The graphic design of the city seal is by federal law copyrighted from the moment it is created, adopted, and used. There is no requirement in federal law to have such copyright filed with the US Copyright Office for such protections to be in place.

The US Copyright Office provided the following guidance on the law that might further explain the protections afforded the drawing of the city seal when it says, in part:

What is copyright?

Copyright is a form of protection grounded in the U.S. Constitution and granted by law for original works of authorship fixed in a tangible medium of expression. Copyright covers both published and unpublished works.

What does copyright protect?

Copyright, a form of intellectual property law, protects original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer

software, and architecture. Copyright does not protect facts, ideas, systems, or methods of operation, although it may protect the way these things are expressed.

How is a copyright different from a patent or a trademark?

Copyright protects original works of authorship, while a patent protects inventions or discoveries.

When is my work protected?

Your work is under copyright protection the moment it is created and fixed in a tangible form that it is perceptible either directly or with the aid of a machine or device.

Do I have to register with your office to be protected?

No. In general, registration is voluntary. Copyright exists from the moment the work is created.”

As the custodian of records for the city of Crestview, Pursuant to F.S. 119, please allow this document to serve as an official request for review, and copying if required, of the below records. All of these documents are required by law to be kept by your organization and be available for inspection/reproduction. As this is an urgent and time sensitive request, please provide your prompt attention to this matter. Please notify me when I may stop by under your supervision and review these files and make any further requests.

In regards to possible violations of Title 17, United States Code and F.S. Chapters 106.15 and Chapters 106.4:

- Any document, ordinance, and council meeting minutes where by the Crestview City Council authorized Tom Gordon, in his private capacity, to use, publish, and affix the official seal of Crestview for his political campaign advertisements, if so found.
- Any email, memo, letter, or documented note of recollection that reflects a request by Tom Gordon, his campaign staff, or any other person to provide any hard copy artwork, electronic file, creation of a hard computer disc, jump drive etc. containing the artwork of the city seal; and such responses made by city staff to such inquiries.
- Any electronic or written request made by Tom Gordon, his campaign staff, or any other person to load such city seal artwork onto any computer device whatsoever or make available in an online format containing such seal.
- Any receipt, document, copy of check, credit card slip, or other payment form reflecting the purchasing, printing, or otherwise copying the city seal for Tom Gordon or his campaign staff, or other persons.
- Documents, time sheet, desk assignment, emails or other records indicating the name, position, and time spent in assisting Tom Gordon, his campaign staff, or other persons, with providing, printing, altering or affixing the city seal to his personal documents, email, computer hardware, or individual person.

Please notify me as soon as you have these documents ready for our inspection and copying if required. At that time you can provide an estimate of duplicating costs. If there is any item you feel is legally exempt or may need to be litigated to clear up, please provide such information, in writing, via email, in a timely manner.

Sincerely,

Graham W. Fountain

Col. Graham W. Fountain, Principal/CEO
Law Enforcement Director (Ret)
Westerfield Strategic, LLC
Telephone: (850) 830-0002

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Better Business Bureau